SINGLE BENCH

(1)

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5946 OF 2005

PETITIONER : Sharad Kumar Shrivastava, S/o Late Shri J. L. Shrivastava, aged about 52 years, Occupation-Draftsman, Deptt. of Mining, R/o Behind Amrish Kirana Stores, Indira Chowk, Shyam Nagar, Raipur (C.G.).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Deptt. Of Mining, Mantralaya, D.K.S. Bhawan Raipur (C.G.).

2. The Director, Deptt. Of Mining, Sonakhan Bhawan, Ring Road No.1, Village Purena, Post Ravigram, Raipur, District Raipur (C.G.).

3. The Collector, Raipur, District Raipur (C.G.).

4. The Mining Officer, Deptt. Of Mining, Collectorate, Mining Section, Raipur (C.G.).

5. The Assistant Mining Officer, Deptt. Of Mining, Mahasamund, District Mahasamund, (C.G.).

6. D. N. Pandey, Draftsman, Deptt. Of Mining, Mahasamund, District Mahasamund (C.G.).

6080/05
6078/05
P.R. No.....
Presented by Shri D.C. Verma
dated 24-11-05

RECEIVED-COPY
24/11/05
CLERK to A. G. BILASPUR

(2)
(4)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 5946 of 2005

(113)

Petitioner Sharad Kumar Shrivastava
Versus
Respondents State of Chhattisgarh & others
SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Devesh Chandra Verma, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents No. 1 to 5.

ORDER

(Passed on this 1st day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Draftsman in the Mining Department at Raipur was transferred to Raigarh, on the same terms and conditions vide impugned transfer order dated 22.11.2005 (Annexure P/2).
2. This Court vide interim order dated 2.12.2005 stayed the effect and operation of the impugned transfer order. By virtue of the interim order, the petitioner has continued at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur